



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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July 25, 2003

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On July 24, 2003, Daniel Brenner, Michael Schooler and Diane Burstein, representing the National Cable & Telecommunications Association, met with John Rogovin, Jacob Lewis, Susan Aaron, and Harry Wingo, of the FCC's Office of the General Counsel.

Consistent with NCTA's written filings in this proceeding, NCTA urged the FCC to reaffirm its conclusion that cable operators should not be required to carry a broadcaster's analog and digital signals during the transition to digital television. NCTA also discussed how the FCC correctly determined that after the transition, cable operators should only be required to carry a single digital program stream from each broadcast station.

We argued that the 1992 Cable Act cannot reasonably be interpreted to require "dual carriage" during the transition or "multicast carriage" after the transition is complete. But even if the statute were somehow viewed as ambiguous, the Commission's interpretation would still be compelled by constitutional considerations.

Respectfully submitted,

/s/ Daniel L. Brenner

Daniel L. Brenner

cc: John Rogovin, General Counsel
Jacob Lewis
Susan Aaron
Harry Wingo